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May 16, 2018

**BY HAND DELIVERY**

Honorable Susan D. Wigenton, U.S.D.J.  
**Martin Luther King, Jr. Federal Building**  
**& U.S. Courthouse**  
50 Walnut Street  
Newark, New Jersey 07101

**Re: *Juul Labs, Inc. v. King Distribution LLC, et al.***  
**Civil Action No. 18-9233 (SDW)**

Dear Judge Wigenton:

Our firm, along with our co-counsel Sterne Kessler Goldstein & Fox, PLLC, represents plaintiff, Juul Labs, Inc. ("Juul") in this matter.

In compliance with the May 15, 2018 Order to Show Cause entered in this matter by Your Honor, we herewith provide to Your Honor a Certification detailing our efforts to effectuate service upon each of the defendants in this matter with the papers filed yesterday with the Court.<sup>1</sup>

Additionally, as directed by Your Honor's Chambers, we respectfully seek Your Honor's permission to serve redacted versions of the Order to Show Cause papers, including the Order to Show Cause (as identified in footnote 1).

Good cause exists for the service of these redacted documents because such documents contain (1) sensitive business information of Juul and the individual declarants, the disclosure of which would cause irreparable economic injury to Juul and those declarants (e.g., the papers contain confidential sales data and marketing expenditure figures); and (2) sensitive identifying information (e.g., names, addresses, and cover identities) for Juul's investigators, the revealing of which to the public would cause irreparable economic injury to this company and its employees. Ordinarily, as the Court is aware, parties enter into a Discovery Confidentiality Order ("DCO") or other form of protective order to prevent the disclosure of such confidential information.

However, notwithstanding having provided telephone notice to defendants of Juul's intention to appear in Court and to seek an Order to Show Cause and Preliminary Injunction,

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<sup>1</sup> On May 15, 2018, Juul filed its Verified Complaint, Brief in Support of its Motion for Preliminary Injunction with exhibits attached thereto, the Declarations in support thereof, the Civil Cover Sheet, the Corporate Disclosure Statement, and Order to Show Cause under seal.

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none of the defendants appeared in Court yesterday. No counsel for defendants has come forward. Accordingly, we respectfully submit that a substantial risk exists of disclosure of the subject confidential information if provided directly to one or more of the defendants, because there would be no restrictions on disclosure of such confidential information.

If and when defendants do retain counsel herein, we expect that the parties would agree to a DCO, which would include protecting said confidential information as "Attorneys' Eyes Only." In the interim, Juul will provide redacted copies of the filed documents to defendants' counsel in order to protect such confidential information, as well as protecting Juul and the individual declarants. Juul will, of course, further comply with the sealing provisions of L. Civ. R. 5.3.

Based on the foregoing, we respectfully request that Your Honor permit Juul to serve redacted versions of the Order to Show Cause papers including the Order to Show Cause. If this meets with Your Honor's approval, we respectfully request that Your Honor sign the below form of endorsement and have it entered on the docket.

We thank the Court for its consideration in this matter.

Respectfully submitted,

  
Arnold B. Calmann

w/ Enclosures

cc: Defendants (w/ enclosure, by personal service and Federal Express)

Plaintiff's request to serve redacted versions of the Order to Show Cause papers including the Order to Show Cause upon defendants in this matter, and their counsel, if any, until further Order of this Court, is hereby **GRANTED**:

SO ORDERED, this 17<sup>th</sup> day of May, 2018

  
HON. SUSAN D. WIGENTON, U.S.D.J.